

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

CLYDE MAYES,

PLAINTIFF

V.

NO. 4:05CV115-P-B

MISSISSIPPI DEPARTMENT OF CORRECTIONS, ET AL,

DEFENDANTS

FINAL JUDGMENT

Upon consideration of the file and records in this action, the court finds that the Report and Recommendation of Magistrate Eugene Bogen dated December 7, 2005, was on that date duly served by regular mail upon the *pro se* plaintiff and upon counsel of record for the defendants; that more than 10 days have elapsed since that service; and that no objections have been filed by any party. The court is of the opinion that the magistrate judge's Report and Recommendations should be approved and adopted as the opinion of the court. Therefore, it is

ORDERED:

1) That the Report and Recommendations of the United States Magistrate Judge dated December 7, 2005, be, and it is hereby, approved and adopted, and that the proposed findings of fact and conclusions of law therein set out be, and they are hereby, adopted as the findings of fact and conclusions of law of the court.

2) That all of plaintiff's claims be, and they are hereby, dismissed with prejudice for failure to state a claim upon which relief could be granted, and that the action be dismissed.

THIS the 11th day of January, 2006.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE